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TAGS: PREL PHUM PNAT KDEM IZ

SUBJECT: BAHAI LEADER SAYS STILL NO PROGRESS IN REGISTERING BAHAI FAITH

Classified By: ACTING POLITICAL COUNSELOR MICHAEL J. ADLER, FOR REASONS 1.4 (B) AND (D).

¶1. (C) In an April 6 conversation, President of the Bahai National Spiritual Advisory Group in Iraq, Abdul Razaq Abaychi told PolOff that Iraq's Bahai community had not made any headway in canceling the effects of the July 24, 1975 regulation (rule number 358) prohibiting the registration of national identity cards for those claiming the Bahai faith. This regulation, a follow-on to Law 105 of 1970 prohibiting the Bahai faith, has still not been repealed despite the provisions in the Transitional Administrative Law (TAL) and the Constitution guaranteeing freedom of religious belief and practice. When asked about acts of violence against the Bahai community in Iraq, Abaychi responded by saying that the Bahai community is targeted on the internet for example by Shia and Sunni parties alike. However, he did not make reference to specific acts of violence.

¶2. (C) Article 7(a) of the TAL and Article 2 of the Iraqi Constitution guarantee the full religious rights of individuals "to freedom of religious belief and practice". (Article 41 of the constitution also provides that Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices.) Despite these articles, Abaychi argued to PolOff, Bahai in Iraq have not and will not be able to overcome over 30 years of established bureaucratic practice against their community until Law 105 and its implementing regulation number 358 are explicitly repealed.

¶3. (C) Abaychi explained that, although Bahai now can freely practice their faith, they cannot receive the national identity card (Gentsia) unless they check a box on the application indicating that they hold a religion other than their own. Without a national identity card, Bahai are not able to register in schools, receive marriage certificates, nor obtain travel documents. Although those who received their national identity card prior to 1970 do not face these problems, Abaychi said, their children and grandchildren continue to suffer.

¶4. (C) Abaychi stated that the Bahai effort to enforce the religious freedom provisions of the TAL began with letters to former IIG Prime Minister Ayad Allawi and has continued with correspondence to the civil status directorate of the Ministry of Interior (MoI) requesting that Bahai be able to register for the card as members of their faith, so that they may receive the national identity card which is needed

for travel documents, marriage certificates, and the schooling of their children. Abaychi said, despite these letters and additional lobbying, no change in the national identity card registration requirements has been made.

¶5. (C) Abaychi recognized that with the seating of the next Council of Representatives (CoR), the community would have to renew its lobbying efforts. He added that he would look into developing draft legislation to present to the new CoR members that would explicitly repeal law 105. PolOff expressed support and will continue to monitor these efforts.

KHALILZAD